



The Guaranteeing Overtime for Truckers Act

Endorsed by: Owner-Operator Independent Drivers Association, International Brotherhood of Teamsters, Institute for Safer Trucking, Truck Safety Coalition, Parents Against Tired Truckers (PATT), and Citizens for Reliable and Safe Highways (CRASH)

Background: The Fair Labor Standards Act (FLSA) currently contains the motor carrier exemption, which allows employers to deny overtime pay to many truck drivers. Congress can repeal the exemption and make trucking subject to the FLSA's overtime provisions, which would require covered employers to pay time-and-a-half for hours worked over 40 in a given workweek.

- Some sectors of the trucking industry suffer from an extremely high turnover rate, caused in part by inadequate pay and poor conditions. The lack of guaranteed overtime pay contributes to this problem.
- While this constant worker churn from high turnover has led some to say that there is a lack of drivers entering the industry, the Bureau of Labor Statistics and truck drivers themselves have said that [no such shortage exists](#) – rather, there's a retention problem and lack of truckers willing to work 70-hour weeks for the low wages offered by most shipping companies.
- Long-haul trucking has had a turnover rate of [over 90%](#) since BLS began recording the issue.
- Drivers who are engaged in any aspect of interstate transportation are not subject to the FLSA's overtime provisions, which govern the majority of other private and public sector occupations.
- The hours of these workers are governed by the Federal Hours of Service regulations, which limit drivers to approximately 60 hours of work over a 7-day period and do not require a time-and-a-half pay premium for weekly hours over 40. Most tractor-trailer drivers work far in excess of 40 hours per week.

Supply Chain Ramifications:

- The Department of Transportation included the elimination of the FLSA overtime exemption in a [report](#) released last month on supply chain vulnerabilities and solutions – the relevant section is pasted below.
- If drivers are guaranteed overtime pay, it would help incentivize others in the supply chain, such as shippers and receivers, to improve their efficiency and keep truckers moving.

Policy Recommendation	Impact	Cost	Complexity	Approx. Timing	Mode(s)	Actor(s)
Urge Congress to eliminate the Fair Labor Standards Act motor carrier exemption. Under the current exemption, employers are not required to pay overtime to many truck drivers.	Moderate	\$	Medium	Near-Term	Trucking	DOL, USDOT, Congress

Further Reading:

- [‘This used to be a great job’: US truckers driven down by long hours and low pay](#)
- [How Life as a Trucker Devolved Into a Dystopian Nightmare](#)
- [Blame Big Trucking for the Driver Shortage: The motor-carrier exemption to overtime pay suppresses truckers' wages](#)